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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,129	05/12/2006	Nigel John Mainwaring	R61.12-0003	1173
27367 7590 06/22/2009 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
MATTHEWS, TERRELL HOWARD				
ART UNIT		PAPER NUMBER		
3653				
MAIL DATE		DELIVERY MODE		
06/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,129

Applicant(s)

MAINWARING ET AL.

Examiner

Terrell H. Matthews

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 and 21-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

FINAL REJECTION

Applicants arguments filed 12/04/2008 have been fully considered but they are not persuasive for the reasons detailed below.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber (US-4582597) in view of Hukki (US--20030057140).

Referring to claims 1-2, 16, 18-19, Huber discloses a "Vibratory Screen Separator". See Figs. 1-8 and respective portions of the specification. Huber discloses a chassis (22) for supporting a screen frame (46) carrying a sieve screen (48), said chassis providing a first bearing surface; at least one second bearing opposed to said first bearing surface such that the screen frame can be clamped between the first and

second bearing surfaces (See at least 3-4); and at least one expandable element (42) mountable in the chassis to be between the first and second bearing surfaces and expandable in a direction transverse to said bearing surfaces to effect said clamping of the screen frame. Huber does not disclose one or more clamping members each of which is moveable between a non-deployed position, in which said screen frame can be lifted in said transverse direction away from said first bearing surface for removal from the chassis, and a deployed position, in which the clamping member is located relative to the chassis to provide said second bearing surface or one of a combination of said second bearing surfaces. Hukki discloses a "Screen". See Figs. 1-8 and respective portions of the specification. Hukki further discloses a chassis (12) for supporting a screen frame (24) carrying a sieve screen (22), said chassis providing first bearing surface, at least one expandable element (68) mountable in the chassis and expandable in a direction transverse to said bearing surfaces to effect said clamping of the screen frame; characterized by one or more clamping members (56) the or each of which is movable between a non-deployed position, in which said screen frame can be lifted in said transverse direction away from said first bearing surface for removal from the chassis, and a deployed position, in which the clamping member is located relative to the chassis to provide said second bearing surface or one of a combination of said second bearing surfaces. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Huber to include the teachings of Hukki wherein one or more clamping members were included so that that the screen

could be clamped and locked in a more effective manner to the frame and housing, to assist in separation and accommodate for heavy vibrations during operation.

Referring to claim 15, Huber discloses the apparatus as described above in detail. Huber does not disclose a hopper mounted in said chassis to collect fines passing through sieve screen, said hopper having an annular shelf portion extending between said first and second bearing surfaces to be clamped therebetween together with the screen frame. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Huber to include a hopper that could be clamped with the screen frame to collect fines so that an easy and efficient way of securing the hopper to the separator could be achieved. It is generally known in the field of art to provide hoppers in separators for collecting fines and to do so wherein the hopper is attached or secured to the separator.

Referring to claim 17, 20, Huber does not disclose wherein the chassis is adapted to support a circular screen frame. It should be noted that it is generally known in the field of the art that chassis can be constructed in any shape wherein they would be adapted to support a similarly shaped screen frame. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Huber wherein the chassis was constructed in a circular orientation so that it could support a circular screen frame so that it was better adapted for attaching a cover so that separation could be better achieved wherein articles were not permitted to fall or jump off of the vibratory separator during operation.

Allowable Subject Matter

Claims 3-5, 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 12/04/2008 have been fully considered but they are not persuasive. In particular applicants focus on "one expandable element mountable in the chassis to be expanded in a direction transverse to said bearing surfaces to effect clamping of the screen frame" is taught and disclosed by Huber with pneumatic tube (42), to which Hukki discloses wherein a screen frame can be removed in a transverse direction. Additionally, it should be noted that it would have been obvious to modify the apparatus of Huber to include teachings of Hukki as the simple substitution of one known element for another to obtain predictable results is obvious to try to one of ordinary skill in the art, to which it would have been a matter of simple substitution to one of ordinary skill in the art to modify the apparatus of Huber so that the expandable elements expanded in a direction transverse to the bearing surfaces as shown as well as included the clamping elements of Hukki wherein the screen was allowed to be removed in a transverse direction. Moreover, these variations are predictable to one of ordinary skill in the art. See MPEP 2143. Further, the prior art discussed and cited

demonstrates the level of sophistication of one with ordinary skill in the art and that these modifications such as modify the direction the tube expanded or the screen was removed, would be well within this skill level. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Huber as is well known in the art. Consequently, as a review of the prior art undermines Applicants arguments, the claims stand rejected.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicants' amendment necessitated any new grounds of rejection present in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

THM

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